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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 JAMES F. NELSON, Case No. 3:13-cv-00676-MMD-VPC
10 v. Petitioner, ORDER
11 DHS/ICE,
12 Respondents.
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14 Before the Court is Petitioner James F. Nelson's Petition for Writ of Mandamus
15 (dkt. no. 1-1) ("Petition") and Motion for Clerk's Order (dkt. no. 3) ("Motion").

16 Mr. Nelson seeks a writ of mandamus. However, due to the deficiencies in Mr.
17 Nelson's Petition, the Court is unable to determine whether it has jurisdiction to consider
18 Mr. Nelson's request and, if it does, whether the Court can grant appropriate relief. Mr.
19 Nelson has simply stated that he was convicted in 2006 of "drug trafficking" and that he
20 has requested that the Department of Homeland Security ("DHS") and Immigration and
21 Customs Enforcement ("ICE") deport him to Brazil. While it appears to the Court that
22 Petitioner is seeking relief from his confinement and deportation by DHS/ICE, Petitioner
23 has not been sufficiently clear regarding his requested relief. Mr. Nelson has also failed
24 to explain what, if any, contact he has had with ICE and whether deportation
25 proceedings have commenced. Finally, Mr. Nelson has not explained to the Court his
26 current legal status, although it is apparent he is still serving his custodial sentence. To
27 the extent Petitioner seeks a writ of mandamus to compel DHS/ICE to initiate
28 deportation proceedings, Petitioner lacks standing to seek such relief. See *Campos v.*

1 I.N.S., 62 F.3d 311, 313-14 (9th Cir. 1993) (finding an incarcerated alien lacks standing
2 to file a writ of mandamus seeking an expedited deportation hearing).

3 Mr. Nelson's Motion asks the Court to enter an order to prevent him from being
4 moved to another prison during the pendency of these proceedings. (Dkt. no. 3.) Mr.
5 Nelson has not cited to any relevant authority in support of his Motion and has failed to
6 demonstrate good cause. More importantly, because the Court dismisses his Petition,
7 his Motion is rendered moot. Mr. Nelson's Motion is therefore denied.

8 Petitioner's Petition for Writ of Mandamus (dkt. no. 1-1) is denied without
9 prejudice. Mr. Nelson is granted leave to refile a petition addressing the deficiencies
10 highlighted in the Court's Order to the extent he is able to do so within thirty (30) days.

11 The Court further orders that Petitioner's Motion for Clerk's Order (dkt. no. 3) is
12 denied.

13 DATED THIS 10th day of February 2014.



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15 MIRANDA M. DU
16 UNITED STATES DISTRICT JUDGE
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